THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.1891 of 2007
and
Review W.P.M.P. No.7982 of 2007
in
WRIT PETITION No.3675 of 2006

Dated 29.03.2007

Between:
G. Madhusudhan and another.

… **PETITIONERS**

AND

The Mandal Revenue Offider and others.

… **RESPONDENTS**

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.1891 of 2007
and
Review W.P.M.P. No.7982 of 2007
in
WRIT PETITION No.3675 of 2006

COMMON ORDER:

The review petition is filed by third parties, proposed respondents 3 and 4 in W.P.No.3675 of 2006, with the leave of the Court. For the sake of convenience the parties shall be referred to as per their status in W.P.No.3675 of 2006, which is filed seeking a writ of Certiorari to quash the orders of first respondent, namely, the Mandal Revenue Officer(MRO), Maheshwaram Mandal in proceedings No.B/4902/2003 dated 19.12.2003. The petitioner also sought for a direction to MRO to pass appropriate orders on the representation dated 09.05.2002 for sanction of mutation in respect of land admeasuring Acs.2.00 (hereafter called, subject land) in survey No.187/aa situated at Nagaram Village, Maheshwaram Mandal, Ranga Reddy District, based on the sale deed in favour of the petitioner dated 11.08.2000. Second respondent is One B. Laxmi Prasanna,
W/o B. Ramesh. The petitioner claimed that he purchased subject land from Dundigala Rama Rao under registered sale deed dated 11.08.2000. He then made a representation on 29.04.2002 under Section 4 of the Andhra Pradesh Rights in Land & Pattadar Pass Books Act, 1971 (the Act, for brevity) for mutation. While the same was pending, second respondent purchased subject land under a

registered sale deed dated 05.11.2003 and submitted an application to MRO, who issued impugned proceedings dated 19.12.2003 ordering changes in the revenue records in favour of second respondent by deleting the name of the petitioner's vendor. Impugned proceedings are assailed mainly on the ground that MRO failed to follow the procedure contemplated under the Andhra Pradesh Rights in Land & Pattadar Pass Books Rules, 1989 (the Rules, for brevity and that he (MRO) also failed to issue notice of 45 days in Form VIII. Though notice was ordered in main writ petition, being W.P.No.3675 of 2006, second respondent did not appear. The learned Assistant Government Pleader did not dispute the legal position and therefore, this Court allowed the writ petition setting aside the impugned proceedings dated 19.12.2003 and directed MRO to take up the enquiry into the application/representation made by the petitioner. Thereafter MRO issued proceedings dated 23.12.2006 directing mutation of the name of the petitioner in the pattadar passbook (PPB) column duly cancelling PPB and title deed (TD) in favour of second respondent. Said proceedings dated 23.12.2006 are assailed in W.P.No.1891 of 2007.

It is the case of proposed respondents 3 and 4 in W.P.No.3675 of 2006, petitioners in W.P.No.1891 of 2007, that D. Rama Rao sold subject land in favour of B. Laxmi Prasanna, second respondent, under a registered sale deed dated 05.11.2003. By registered sale deed dated 27.10.2004 she sold the land to M/s Sachidanand Madan and Smt. Renu Madan. They in turn sold the land under a registered document dated 07.01.2006 in favour of Ailla Yadaiah Goud, from whom proposed respondents 3 and 4 purchased the land. They also allege that subject land was owned by Smt. D. Padmavathi, W/o D. Rama Rao and after her demise it devolved on her husband and sons Anil Kumar and Naveen Kumar. Laxmi Prasanna, second respondent, purchased it from Rama Rao, Anil Kumar and Naveen Kumar. In spite of the same, MRO did not issue notice of 45 days in Form VIII and based on the orders of this Court dated 08.09.2006 in W.P.No.3675 of 2006 issued mutation in favour of the petitioner without following the procedure under the Rules.

After hearing the learned counsel for the petitioner and the learned senior counsel for proposed respondents 3 and 4, it becomes clear that by the date of passing of the orders by this Court i.e., dated 08.09.2006 as well as the proceedings of MRO dated 23.12.2006, proposed respondents 3 and 4 purchased the property under registered documents from a person whose vendor's vendor was Laxmi Prasanna. Therefore, they cannot be treated as strangers to the property. Be that as it is, when this Court allowed W.P.No.3675 of

2006 on 08.09.2006, it was made clear that MRO should pass appropriate orders in accordance with Law. Curiously it is admitted that MRO did not issue notice of 45 days in Form VIII as required under Rule 19 and straight away issued proceedings dated 23.12.2006 (impugned in W.P.No.1891 of 2007). For this reason alone, the earlier proceedings dated 19.12.2003, are liable to be recalled as was done in W.P.No.3675 of 2006 by this Court by order 08.09.2006.

Accordingly, the proceedings issued by MRO dated 23.12.2006, which are assailed in W.P.No.1891 of 2007, are set aside. The matter is remitted to MRO with a direction to issue notice to respondents 2 to 4 as well as publish/issue notice of 45 days in Form VIII and then after considering all the objections pass necessary orders in the matter. This exercise may be completed within a period of three months from the date of receipt of a copy of this order.

W.P.No.1891 of 2007 and Review W.P.M.P. No.7982 of 2007 in W.P.No.3675 of 2006 are accordingly disposed of. No costs.

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(**V.V.S.RAO,J**)

29th March, 2007
sh/ghn